

AMENDED IN SENATE MAY 4, 2005
AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 698

Introduced by Senator Poochigian

February 22, 2005

An act to amend Sections 17910, 17910.1, 17910.2, 17911, 17911.2, 17911.3, 17912, and 17912.2 of, to amend the heading of Part 10.7 (commencing with Section 17910) of, to repeal Sections ~~17911.4~~, 17911.5, 17911.6, and 17911.7 of, ~~and~~ to repeal the heading of Chapter 3 (commencing with Section 17912) of Part 10.7 of, *and to repeal and add Section 17911.4 to*, the Education Code, relating to schoolbuses, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

SB 698, as amended, Poochigian. Schoolbus replacement.

Existing law, the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program, establishes the Katz Schoolbus Fund in the State Treasury. Existing law requires the State Energy Resources Conservation and Development Commission to design and administer a clean fuel efficiency demonstration program and to determine which local educational agencies are to receive replacement schoolbuses for participation in the program.

This bill would change the name of that program to the Clean Air and Schoolbus Safety Program. This bill would delete the existing provisions relating to the demonstration program and schoolbus replacement. *This bill would require the State Department of General Services to solicit competitive bids for the purchase of replacement schoolbuses for school districts.* This bill would change the name of the Katz Schoolbus Fund to the Clean Air and Schoolbus Safety Fund. This bill would require the commission to administer the fund

according to a specified order of priority. This bill would ~~require~~ *make an appropriation by requiring* the Controller, for each fiscal year commencing with the 2006–07 fiscal year and ending with the 2010–11 fiscal year, and to the extent that funds are available, to transfer \$50,000,000 from the Proposition 98 Reversion Account to the Clean Air and Schoolbus Safety Fund.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Part 10.7 (commencing with
2 Section 17910) of the Education Code is amended to read:

3
4 PART 10.7. THE CLEAN AIR AND SCHOOLBUS SAFETY
5 PROGRAM
6

7 SEC. 2. Section 17910 of the Education Code is amended to
8 read:

9 17910. This part shall be known and may be cited as the
10 Clean Air and Schoolbus Safety Program.

11 SEC. 3. Section 17910.1 of the Education Code is amended to
12 read:

13 17910.1. As used in this part, the following terms have the
14 following meanings:

15 (a) “Commission” means the State Energy Resources
16 Conservation and Development Commission.

17 (b) “Fund” means the Clean Air and Schoolbus Safety Fund
18 created pursuant to Section 17911.

19 (c) “Program” means the Clean Air and Schoolbus Safety
20 Program.

21 (d) “Schoolbus” means a schoolbus, as defined in Section 545
22 of the Vehicle Code, which is Type 1 *or Type 2*, and publicly
23 owned.

24 (e) “Local educational agency” means any of the following:

25 (1) A school district.

26 (2) A county office of education.

27 (3) A regional occupational program or center.

28 (4) A joint powers agency that operates publicly owned
29 schoolbuses.

SEC. 4. Section 17910.2 of the Education Code is amended to read:

17910.2. (a) The Legislature finds and declares all of the following:

(1) The Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program has been a successful program whose established administrative infrastructure within the California Energy Commission can be used to efficiently administer future schoolbus replacement programs.

(2) California's public schools operate over 15,000 schoolbuses, including over 6,000 schoolbuses manufactured before 1987, at least 1,000 of which were manufactured before 1977.

(3) All schoolbuses manufactured before 1977 are a source of exposure to toxic diesel particulates and do not meet state air quality emission standards or federal or state safety standards.

(4) Ensuring the safety of schoolbus transportation is a matter of the highest importance.

(b) It is the intent of the Legislature to create a program for the purchase of new schoolbuses that meet federal and state safety standards and produce fewer adverse air emissions than the schoolbuses being replaced.

(c) It is the intent of the Legislature that alternative fuel busses be used by school districts to the maximum extent possible.

~~(e)~~

~~(d)~~ It is ~~further~~ the intent of the Legislature that the funds to purchase replacement schoolbuses under this program be distributed first to local educational agencies operating schoolbuses manufactured before 1977. After all schoolbuses manufactured before 1977 that are currently in operation have been removed from service by local educational agencies, any remaining funds may be used by local educational agencies to replace schoolbuses manufactured after 1977.

SEC. 5. Section 17911 of the Education Code is amended to read:

17911. (a) (1) There is hereby created in the State Treasury the Clean Air and Schoolbus Safety Fund.

(2) For each fiscal year commencing with the 2006–07 fiscal year and ending with the 2010–11 fiscal year, the Controller shall, to the extent funds are available, annually transfer fifty

1 million dollars (\$50,000,000) from the Proposition 98 Reversion
2 Account to the Clean Air and Schoolbus Safety Fund. Moneys
3 transferred pursuant to this paragraph shall be used for the
4 purpose of replacing schoolbuses pursuant to this part.

5 (b) The commission shall administer the fund according to the
6 following order of priority:

7 (1) The commission shall first select schoolbuses for
8 replacement that were manufactured before 1977.

9 (2) After all schoolbuses manufactured before 1977 that are
10 currently in operation have been removed from service by local
11 educational agencies, the commission shall select schoolbuses for
12 replacement based upon the following criteria:

13 (A) Earliest manufacture date.

14 (B) Average daily mileage.

15 SEC. 6. Section 17911.2 of the Education Code is amended to
16 read:

17 17911.2. A local educational agency shall use funds
18 distributed under this part to purchase schoolbuses that comply
19 with federal and state safety standards and emission standards
20 adopted by the State Air Resources Board.

21 SEC. 7. Section 17911.3 of the Education Code is amended to
22 read:

23 17911.3. A schoolbus replaced pursuant to this part shall not
24 be used as a schoolbus, youth bus, school pupil activity bus,
25 general public paratransit vehicle, or farm labor vehicle.

26 SEC. 8. Section 17911.4 of the Education Code is repealed.

27 SEC. 9. *Section 17911.4 is added to the Education Code, to*
28 *read:*

29 *17911.4. The State Department of General Services shall*
30 *solicit competitive bids for the purchase of replacement*
31 *schoolbuses for school districts.*

32 ~~SEC. 9.~~

33 SEC. 10. Section 17911.5 of the Education Code is repealed.

34 ~~SEC. 10.~~

35 SEC. 11. Section 17911.6 of the Education Code is repealed.

36 ~~SEC. 11.~~

37 SEC. 12. Section 17911.7 of the Education Code is repealed.

38 ~~SEC. 12.~~

39 SEC. 13. The heading of Chapter 3 (commencing with
40 Section 17912) of Part 10.7 of the Education Code is repealed.

1 ~~SEC. 13.~~

2 *SEC. 14.* Section 17912 of the Education Code is amended to
3 read:

4 17912. The program established by this chapter shall be
5 designed and administered by the commission, with the advice
6 and consultation of the State Air Resources Board.

7 ~~SEC. 14.~~

8 *SEC. 15.* Section 17912.2 of the Education Code is amended
9 to read:

10 17912.2. The commission shall not use more than 5 percent
11 of any state funds allocated to this program for administrative
12 costs.

O